

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

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YUGA LABS, INC.,

Plaintiff(s),

v.

RYAN HICKMAN,

Defendant(s).

Case No. 2:23-CV-111 JCM (NJK)

ORDER

Presently before the court is plaintiff Yuga Labs Inc.'s motion for entry of clerk's default. (ECF No. 19). Defendant Ryan Hickman has not filed a response, and the time to do so has now passed.

Federal Rule of Civil Procedure 12 requires that a defendant must serve an answer within 21 days after being served with the summons and complaint. Fed. R. Civ. Pro. 12(a). On February 17, 2023, plaintiff filed a declaration that defendant had been served on February 9, 2023, when a process server served defendant by leaving the materials "with or in the presence of: Jane Doe, Co-Occupant, African American, Female, Age: 15..." (ECF No. 18).

The Federal Rules of Civil Procedure allow for service by "leaving a copy of [the summons and complaint] at the individual's dwelling or usual place of abode with someone of suitable age and discretion who resides there." Fed. R. Civ. Pro. 4(e). The court sees no reason to question the capacity of a fifteen-year-old occupant of the house, and finds the Jane Doe female with whom the document was left was "someone of suitable age and discretion." *See De George v. Mandata Poultry Co.*, 196 F. Supp. 192, 193 (E.D. Pa. 1961) (concluding service on a sixteen-year-old resident was suitable under this rule).

1 Since defendant was properly served, and since he has not responded to the complaint or  
2 otherwise pled in more than twenty-one days since he was served, an entry of default is appropriate.

3 Accordingly,

4 IT IS HEREBY ORDERED, ADJUDGED, and DECREED that plaintiff's motion for  
5 entry of default (ECF No. 19) be, and the same hereby is, GRANTED.

6 The clerk is instructed to enter default against defendant Ryan Hickman.

7 DATED March 20, 2023.

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9 UNITED STATES DISTRICT JUDGE